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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR DISTRICT OF OREGON

PENDLETON DIVISION

GREATER HELLS CANYON COUNCIL, an
Oregon nonprofit corporation,
and **OREGON WILD**, an Oregon nonprofit
corporation,

Plaintiffs,

v.

KRIS STEIN, District Ranger, Eagle Cap Ranger
District, Wallowa-Whitman National Forest, in
her official capacity; and **UNITED STATES
FOREST SERVICE**, an agency of the United
States Department of Agriculture,

Defendants,

and

WALLOWA COUNTY, a political subdivision
of the State of Oregon,

Defendant-Intervenor.

Case Number: 2:17-cv-00843-SU

**DECLARATION OF DAVID
MILDREXLER IN SUPPORT OF
PLAINTIFFS' MOTION FOR
INJUNCTION PENDING APPEAL**

I, David Mildrexler, declare as follows:

1. I live in Enterprise, Oregon in Wallowa County. I work as a systems ecologist for Eastern Oregon Legacy Lands Fund, a rural, community-based conservation organization with scientific, educational and charitable purposes. I also serve on the Advisory Board of the Greater Hells Canyon Council. My wife Andrea and I are raising our two young children here in the Wallowa Valley, the most beautiful place in the world to me.

2. To relay to the court my interests in the Lostine Canyon, and why the Lostine Project is so concerning to me, I must explain my professional background and expertise. My enjoyment of national forests, including those in the Lostine Project area, is greatly affected by my understanding of the ecology of forests and the role of management in affecting the many valuable services that forests provide, such as cooling our planet's temperature, recycling moisture, providing wildlife habitat, and buffering against wildfire and climate change. The Lostine River and its surrounding forest ecosystems are resilient and biodiverse forest ecosystems. Towering old growth trees, sensitive understory plants, and abundant wildlife in a cool moist forest setting best describes this area that also serves as a major wildlife corridor, and the gateway to the Eagle Cap Wilderness. The Lostine River and its surrounding forests are a unique and special place that I enjoy sharing with my family, friends, and community. Given the uniqueness of this area, I strongly believe we should be extra careful to not allow management hubris to degrade the very qualities of the area that the community treasures.

3. I am an ecosystem scientist with expertise in ecology, forestry, remote

sensing, land surface temperature, global change biology and a number of related fields. In 2017, I received my PhD from Oregon State University's College of Forestry where I studied, among other subjects, forest vulnerability to drought and high temperatures. In 2005, I completed my Master's degree in Forest Science from the University of Montana. While there, I worked with Nobel Peace Prize Laureate Steve Running who is on the forefront of climate change research. My personal research focuses on the interaction between vegetation and climate, disturbance and landscape dynamics, remote sensing of land surface temperature, management of western forested ecosystems, and conservation of biodiversity, topics of great relevance to the Lostine Project. I have published numerous peer-reviewed papers in leading scientific journals.

4. In 2005, after obtaining a master's degree, I returned to my native State of Oregon and bought a cabin on six acres in the Wallowa Valley. I proposed to my wife in the Eagle Cap Wilderness, and my son was raised here before we moved to La Grande in 2009 where I worked for Greater Hells Canyon Council, and to Corvallis in 2012 to work on my PhD. My daughter was born in Corvallis. Still, every summer my family returned to Wallowa County to enjoy our cabin and spend time in places like the Lostine River. My family was thrilled to move back home permanently in 2017.

5. The Lostine River is the gateway to the heart of the Eagle Cap Wilderness, a sacred place of inestimable value to me and many others. We came to northeast Oregon because of places like the Lostine River and its pristine condition. I have a deep connection to the river and its surrounding forests, and my family camps or hikes in the area frequently. This year we spent Father's Day hiking along the river, and to a waterfall. My wife leads hikes for her job, and she has taken people to the Lostine River

Wildlife Refuge on several occasions.

6. Having grown up on the West side of Oregon, I have a particular affinity for old growth forests of the Pacific Northwest. The moist forests of the Lostine Canyon are supported by the relatively cool condition and increased shade of the deep canyon bottom and the riparian zone of the Lostine River. The forests slated for commercial logging, many of which are old growth, are classified as moist or cold upland forest environments. These forests have closed canopies that shelter the ground from direct solar radiation and maintain relatively humid conditions and high moisture content in the understory. Old growth forests and riparian habitats support more biological diversity than any other habitat in the Blue Mountains. Well-connected riparian habitat, such as in the Lostine River Corridor, are hotspots for biological diversity, both plant and animal.

7. Not all forest types need restoration treatments. Restoration is often appropriate in dry forests where logging and fire suppression since the 1950s have shifted open, park-like forests to less patchy, dense forests today. However, none of the Lostine Corridor Project is characterized by such conditions. Moister and cooler mid- to high-elevation forests naturally support higher tree densities and fires of mixed severity.

8. Management actions that degrade moist forests and expose them to hotter, drier, and windier conditions are questionable given that the Northwest's climate is projected to become hotter and drier. Given that particular vegetation structural characteristics can abate the effects of regional climate change, land management has the potential to either amplify or buffer these effects on climate and biodiversity. In wetter forest areas that maintain relatively high-water availability, such as in the Lostine River Canyon, forests can buffer against rising temperatures, and are likely candidates for fire

refugia; i.e., areas affected less frequently by fire, or that experience lower severity fire than the surrounding landscape due to the relatively moist conditions. Refugia shelter habitats from increases in temperatures and create microclimate conditions that provide unique wildlife habitat. These areas are closely connected to enduring features of the landscape, including topography. Deep valley bottoms like the Lostine River Canyon possess the physical characteristics that create fire refugia, naturally supporting moist, old growth forest types and buffering plants and animals from climate change.

9. I visited the Lostine Canyon in August and September 2018 and viewed commercial timber sale units. The units are “leave tree” marked, meaning only trees marked with orange must be left on site. Both areas were old growth forest. It appeared that most trees would be logged from these stands. Since the units stretch nearly continuously along the corridor, and the marking indicates opening of the forest canopy in many areas, the understory microclimate will be degraded, and many of the large logs that retain moisture when they fall to the forest floor will be removed by the logging. I noted large old growth trees valuable for wildlife and carbon storage marked for removal apparently for safety concerns. These qualities cannot be restored quickly. Climate change is causing hotter and drier conditions, thus increasing the need for careful management of systems that can buffer against these changes; i.e., fire refugia.

10. I expect that the post-logged areas will quickly infill with shrubs due to the increased light, water and nutrients. While shrubs do increase local diversity and heterogeneity, they are also shallow-rooted plants that dry out fast during the summer, creating abundant fine fuels. Logging will contribute a large-pulse of fine-fuels, and prescribed fire is not feasible in these moist forest types. More fine-fuels, coupled with

increased solar radiation reaching the forest floor can increase the risk of fire, in contrast to the Canyon's current condition of an intact, multi-layered cool, moist forest with large old trees. The Forest Service would need to repeat treatments at regular intervals to prevent the build-up of fine fuels following project implementation.

11. I am also very concerned about the effects of ground-based operations on the area soils. Moist forest soils can be highly susceptible to compaction, disturbance, and erosion. Approximately twenty road spurs will be built throughout the length of the corridor, an activity that in my opinion is entirely inappropriate for this area. In addition to soil impacts, roads, skid trails, and logging increase invasive weed spread, and exacerbate problems with illegal off-road activity. These collateral effects are extremely undesirable in this area.

12. Should the Lostine Project proceed, I will experience the loss and degradation of the area for many years to decades. My enjoyment and recreational opportunities in the area will be significantly diminished. The Canyon will no longer be an intact cool, moist old growth forest, creating microclimate conditions that provide unique habitat for a diversity of wildlife. The impacts from road building and skid trails and abundant stumps will likely be obvious to me for the rest of my life. I also think the Forest Service's use of a Categorical Exclusion for this project is one of the most egregious uses of this power that I've witnessed. In a project that should be a model for community engagement and partnership, the project feels forced and has divided the community. In my opinion the ecological complexity and value of this diverse and connected landscape has been trivialized by this process.

13. It is not necessary to sacrifice our treasured Lostine River Corridor to

improve public safety. There are multiple approaches involving important tradeoffs that were never considered due to the Categorical Exclusion approach. For example, the project could have implemented the hand thinning of small diameter trees without commercial logging, thereby maintaining the forest's structure, protecting soils from excessive disturbance, and demonstrating to the community a genuine management approach that reflects our love and values for this irreplaceable area.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 21, 2018 in Enterprise, Oregon.

s/ DavidMildrexler
David Mildrexler